



ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK

For the

Afghanistan Power System Development Project (APSDP-AF)

Da Afghanistan Breshna Sherkat (DABS)

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ENVIRONMENT AND SOCIAL SAFEGUARDS FRAMEWORK

1 Background and Project Context

1.1 Background

Due to heavy conflict, a significant amount of Afghanistan's electrical power transmission and distribution networks were destroyed. The state of disrepair, network inadequacy and unofficial connections resulted in high technical losses and hence, economic loss and social impact to Afghanistan. There is an on-going reconstruction, rehabilitation and expansion development effort, but the needs are enormous and necessitate concerted long-term investment.

The Additional finance, for which this ESMF has been updated, is intended to fund goods for installation of the service drops to connect the distribution networks to households at Charikar, Gulbahar, Jabel-Saraj and Pul-e-Khumri areas. Also, the proposed AF will finance the cost for installation of Naghlu switchyard.

1.2 Project Development Objective(s)

The development objective of the project is to support: Increasing access to grid power and the quantity of available power to the consumers in the target areas of the urban centers at Pul-e-Khumri, Charikar, Gulbahar and Jabel-Seraj

1.3 Current Project Development Objectives – Parent/AF

The development objective of the project is to increase the number of electricity connections for the urban centers of Charikar, Gulbahar and Jabel-Seraj and Pul-e-Khumri in an institutionally efficient way.

1.4 Project Description

The Project (parent project) comprises the following activities:

- (i) Distribution system rehabilitation.
 - Rehabilitation & Extension of Charikar, Gulbahar & Jabel-Seraj Distribution Networks.
 - Rehabilitation and Extension of Pul-e-Khumri Distribution Networks.
- (ii) Institutional capacity building and project management support. and
- (iii) Rehabilitation of transmission switchyards.
 - Rehabilitation of Naghlu and Mahipur 110kV Switchyards.

1.5 The status of the operation (parent project)

The rehabilitation of the distribution system is near complete. However, customers are not connected since no financing was foreseen under the project to provide for drop-lines and meters for connection to the grid. While rehabilitation of the switchyard near the Mahipur hydropower station is complete, the switchyard near Naghlu hydropower station still needs to be completed.

The proposed additional loan would help finance the costs associated with (a) the supply of meter boxes and the final connections to the houses for the rehabilitation of distribution networks at Charikar, Gulbahar and Jabul-Seraj and Pul-e-Khumri; (b) support to the implementing agency,

Da Afghanistan Breshna Sherkat (DABS, the electricity utility) to supervise the rehabilitation of the switchyard at Naghlu; and (c) incremental cost of the rehabilitation of the switchyards at Naghlu and Mahipur hydropower plant. In order to fully implement the project activities and satisfactorily achieve the PDO, the AF also propose to switch the implementation agency from the Ministry of Energy and Water (MEW) to the state-owned utility company, DABS, and extend the project closing date to May 31, 2017.

1.6 Background and Rationale for Additional Financing (AF)

The original project became effective on March 19, 2009. The Afghanistan Power System Development Project (APSDP) finances three main subprojects: (i) rehabilitation and of the distribution system in Charikar, Gulbahar and Jabul-Seraj in Parwan province; (ii) rehabilitation of the distribution system in Pul-e-Khumri; and (iii) rehabilitation of the switchyards at the Mahipur and Naghlu hydropower plant on the Kabul River. In addition, the APSDP also finances the services of a PMF, which undertakes all day to day management of the project, and a small energy efficiency pilot program that is now complete. The original PDO was “to support increasing access to grid power and the quantity of available power to the consumers in the target areas of the urban centers at Pul-e-Khumri, Charikar, Gulbahar and Jabul-Seraj”, which was revised as “to increase the number of electricity connections for the urban centers of Charikar, Gulbahar and Jabul-Seraj and Pul-e-Khumri in an institutionally efficient way” through a project restructuring in June 2013. Through this AF, the PDO is proposed to add “to improve the availability of electricity from Naghlu and Mahipur” onto the current PDO, given that about 30 percent of grant proceeds will be used for the switchyard rehabilitation which will no longer to connected to the two distribution systems rehabilitated under the project.

2 Potential Environmental and Social Impacts of the Project Components (Parent)

The majority of environmental and social impacts of power projects are generally related to generation development and rehabilitation. Because the project will mostly finance the rehabilitation and expansion of distribution systems, implementation of the project components is not expected to involve any significant adverse environmental or social impacts. Specifically:

- The rehabilitation and expansion of distribution networks in the cities involves the construction of distribution networks (erecting poles, stringing lines, and installing transformers) at current locations or along existing roads, streets or lanes. While some disruptions in day-to-day activities during construction may be inevitable, these impacts will be temporary. Furthermore, no land or other assets are expected to be required for the distribution lines or sub-stations.
- The rehabilitation of transmission switchyards at Naghlu and Mahipur will involve procurement and installation of electro-mechanical equipment (mainly to replace equipment that was damaged during the war) at the existing dam site. This is not expected to have any impact on water flows in the river.

Most potential environmental impacts are related to siting of facilities, construction activities and the possible presence of mines. Assessment and mitigation of potential impacts will be addressed through the application of environmental codes of practices, mine risk and safety procedures.

Potential social issues include:

- Land ownership and land acquisition: No land acquisition is expected for the rehabilitation of existing power facilities, including right-of-way and sub-stations. The

risk of involuntary resettlement or land acquisition is therefore considered to be extremely low.

- Risk of social tensions during construction period: There are some risks of increased social tensions related to the planning of the power rehabilitation project, and the hiring of contractors and their relations with the local residents.
- Risk of disruption to social patterns and safety issues: For power lines passing through populated areas, the construction of sub-stations could disrupt regular patterns or introduce safety concerns for activities such as water fetching by women and children. In these cases, local consultations with women should identify such concerns and design measures, such as marked crossings and speed reduction measures will be introduced.
- Local employment: Employment benefits are expected from the power rehabilitation works. Mechanisms to ensure that local populations are the beneficiaries will to be defined as much as possible and realistic, within the social and ethnic context of each component of the project.

While field reviews have shown that no direct impacts on archeological, burial or historical sites are to be expected, the project will institute “chance find” procedures to ensure protection of such sites if found when opening borrow pits and material sites.

2.1 Environmental and Socio-Economic Baseline:

2.1.1 Socio Economic Background of Parwan Province and Pul e khumri City;

Parwan is located north of Kabul Province and south of Baghlan Province. It has a population of about 631,600, which is multi-ethnic and mostly a rural society. The province is divided into ten districts. The town of Charikar serves as the provincial capital. Similarly, Pul e khumri is capital city of Baghlan Province, embarking around 110,000-150,000 population. The AF intervention will be carried out in the provincial center Charikar, Gulbahar ,Jabel-e-Saraj and Pul e Khumri which are approximately located between latitude 35⁰⁰' & 35⁵⁵' N and 69¹⁰' & 68⁴²' S with and altitude between 5200-5800 feet above the mean sea level. Figure-1 shows the physical characteristics of the Charkikar City. The entire urban area is been surrounded by mountains. While the geographical landscape is mostly arid and semi-arid. The population of Charikar may range between 170,000 to 200,000. Around three quarters (73%) of the population of Parwan lives in rural districts, while



Charikar City, Parwan Province, Afghanistan

one quarter (27%) lives in urban areas.

2.1.2 Physical Environment

Climate: Like most of the Central provinces of Afghanistan, Parwan and Baghlan holds semi-tropical climate. It is moderately warm and non-humid during summer, while enjoys cold weather during winter. The average annual temperature is between 35.30 Celsius maximum and -09.40 Celsius minimum.

Topography: Parwan province is has an area of 5974km², over two thirds (60%) of the province are mountainous or semi mountainous terrain while around one quarter (26%) of the area is made up of flat land. Most of the lower level flat land is used for agricultural use, while the upland can be categorized as arid or semi-arid land. Pul e Khomri is relatively small city surrounded with mountains and hold similar characteristics to Parwan.

Water/ Hydrology: This water surface comprise of a number of a small river with fluctuating limits including the Salang River as well as the provincial rural area has few irrigation canal. The

southern side of the Central Highlands receives substantial amounts of snow during the winter months. Snowmelt runoffs from a mountain range of more than 400km feed through side valleys into the central Kabul River, which carries perennial water. Especially the area around the canal head therefore has sufficient water supply for irrigation. At the drier hillsides, soil and climate favor perennial horticulture over a large area uphill, while the water table normally is very deep.

Air pollution: During the construction phase, the area under rehabilitation and construction including switchyard and substation may have some dust or other form of air pollution. All the activities which may impact on human health including environmental health and hygiene related issues can be mitigated with the application of site specific ESMP. The ESMP will also carry specific section on negative list and personal working safety provisions.



Pule Khumri City, Baghlan Province

Noise: This framework prohibits any person to cause unreasonable, unnecessary or unusual noise which annoys, disturbs, injures or endangers the comfort, repose, health or safety of others and the environment. Most of the intervention under APSDP-AF is not sought to create substantial noise. Physical activities including rehabilitation and transmission works will not create extensive amount of noise. Construction of switchyard in Naghlo area may generate some amount noise from the construction machines and construction workers. The amount of the noise will other pollution will be minimized or mitigated by site specific ESMP.

2.2 Potential environmental and social impacts of the project components (AF)

There are no significant or long lasting potential or irreversible impacts associated with activities to be undertaken under the project (Additional Financing). Potential environmental impacts are related to siting of facilities (such as substations), construction activities related to laying of underground cables, reception of poles and possible presence of. Although these activities do not pose any irreversible impact to the environment and social, but may potentially cause disruption in the day to day life during the project implementation phase. To avoid and minimize the negative impact of the activities during the construction of switchyard at Naghlo under this AF, a site specific ESMP will be prepared and DABS will ensure the proper implementation of the mitigation measure to avoid or minimize the likely adverse impact.

An important aspect to be considered in all work sites is the strict follow up of health and safety measures for workers on site.

The AF activities are not expected to involve permanent land acquisition impacts, because the installation of the service drops to connect the distribution networks to households will take place within the existing right of way. The installation of Naghlu switchyard, which will be conducted in the premises of DABS, is not expected to involve any land impact. The experiences of the parent project to date show that some of the distribution activities do cause some limited land acquisition impacts. It includes small impacts to crops, business and incomes in terms of permanent land acquisition for the 4 pad feet of towers, or each pole location and temporary accessibility for construction works and stringing.

This ESMF sets out general policies, codes of practice, guidelines and procedures to inform the content and design of supported activities and help project staff manage potential environmental and social impacts in future power investment projects. The ESMF also includes guidelines for land, asset acquisition entitlements and compensation in case of AF activity involving any land acquisition. Overall, the social impacts of the AF activities are expected to be minor.

Since DABS is to take over the implementation responsibilities from MEW in the proposed AF, the ESMF developed and agreed upon with Ministry of Energy and Water (MEW) has been revised and was re-disclosed through the relevant websites in-country on June, 02, 2015. DABS will make sure to have assigned social and environmental safeguards officer from NHRP on board to oversee the compliance of social and environmental safeguards.

3 Policy Legal and Regulatory Framework

3.1 World Bank Operation Policies triggered in DABS Planning and Capacity Support Project

Safeguard Policies Triggered by the Project	Yes	No
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Environmental Assessment (OP/BP 4.01)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natural Habitats (OP/BP 4.04)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pest Management (OP 4.09)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Physical Cultural Resources (OP/BP 4.11)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Involuntary Resettlement (OP/BP 4.12)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indigenous Peoples (OP/BP 4.10)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Forests (OP/BP 4.36)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Safety of Dams (OP/BP 4.37)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projects in Disputed Areas (OP/BP 7.60)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Projects on International Waterways (OP/BP 7.50)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

1. Environmental Assessment (EA OP/BP 4.01): The Environment Assessment safeguard is triggered due to environmental and social impacts from the civil works planned under the proposed AF
2. Involuntary Resettlement (OP/BP 4.12): The AF activities are not expected to involve permanent land acquisition impacts. However the WB's operational policy on Involuntary Resettlement (OP 4.12) is triggered, as a precaution measure.
3. OP/BP 4.11 is not triggered but Chance Find Procedures are in place. (see Annex 3).

3.2 *Afghan legal and regulatory framework*

4. The primary relevant laws and legislations framing social and environmental issues which need to be considered in relation to distribution investment projects are:
 - a. The Environment Law of Afghanistan (2007)
 - b. The Constitution of Afghanistan (2004)
 - c. Afghan Land Policy (2007)
 - d. Law on Managing Land Affairs (2008)
 - e. Law on Land Expropriation (2009)
 - f. Law on the Preservation of Afghanistan's Historical and Cultural Heritages (2004)

4 Environmental and Social Safeguards Framework

While no significant impacts are expected, an Environmental and Social Safeguards Framework has been developed for the Project. The key objective of this Framework is to ensure that all activities under the Project will:

- Protect human health;
- Prevent or compensate any loss of livelihood;
- Prevent environmental degradation as a result of either individual sub-projects or their cumulative effects;
- Enhance positive environmental and social outcomes; and
- Ensure compliance with World Bank safeguard policies.
- Compliance with World Bank Safeguard policies

Application of the Environment and Social Safeguards Framework is applicable for all works under all contracts associated with the APSDP Program (including AF activities). Specifically for the Project Components relating to Rehabilitation and expansion of distribution systems in

Charikar, Gulbahar, Jabel-E-Seraj and Pull-e-Khumri, and Rehabilitation of Naghlu and Mahipur 110kV Switchyards, the following Framework guidelines apply:

- Most Significant Environmental Criterion for Site Selection;
- Environmental Codes of Practice;
- Land Acquisition, entitlements and compensation;
- Procedures for the protection of cultural property; and
- Mine risk procedures.

4.1 General Principles

The Framework is based on the following principles:

- (i) The proposed project will support multiple components – the –detailed designs of which may not be known at appraisal. To ensure the effective application of the World Bank’s safeguard policies, the Framework provides guidance on the approach to be taken during implementation.
- (ii) All proposed components will be screened to ensure that the environmental and social risks can be adequately addressed through the application of standardized guidelines.
- (iii) Project design will aim to maintain regional balance, and equity between genders, and ethnic and religious groups, considering variations in population density. Employment opportunities within the projects will be available on an equal basis to all, on the basis of professional competence, irrespective of gender, or ethnic or religious group. In all projects which require consultations with local communities or beneficiaries, consultations will be conducted to elicit the views of both the male and the female population.
- (iv) Consultation and disclosure requirements will be simplified to meet the special needs of this project. Prior to approval by the World Bank Board, this Environmental and Social Safeguards Framework will be disclosed in-country in Dari and Pashto, and in the World Bank Infoshop.

4.2 Application of the Safeguards Framework

The safeguards framework will be included in all works contracts and its proper implementation will be the responsibility of the Contractor(s) with oversight from DABS. The provisions of the safeguards framework will be specifically applied to the project’s sub-components as follows:

Component	Assessment and mitigation of impacts
Rehabilitation and expansion of Charikar, Gulbahar & Jabel-E-Seraj distribution Networks Rehabilitation and Extension of Pul-e-Khumri Distribution Networks.	Guidelines for: <ul style="list-style-type: none"> • environmental codes of practice • land and asset acquisition, entitlements and compensation • procedures for the protection of cultural property • mine risk procedures
Rehabilitation of Naghlu and Mahipur 110kV	Contractor will ensure mitigation of environmental impacts, if any.

transmission Switchyards	
Sector wide social and environmental management	Capacity Assessment and Building for Social and Environmental Assessment (separate, parallel technical assistance activity)

The selection, design, contracting, monitoring, and evaluation of the components will be consistent with the following guidelines:

- A negative list of characteristics that would make a proposed component ineligible for support, as indicated in Attachment 1;
- Framework for Abbreviated Resettlement Action Plan presented in Attachment 2;
- Procedures for the protection of cultural property, including the chance discovery of archaeological artifacts, and unrecorded graveyards and burial sites, provided in Attachment 3.
- Generic codes of practices for environmental management of power transmission and distribution systems, provided in Attachment 4.
- The requirement that confirmation is received through the Regional Mine Action Center that areas to be accessed during reconstruction and rehabilitation activities have been certified as low risk (see guidelines in Attachment 5).

The Key Lessons Learned in the implementation of the ESMF in the parent project:

One of the key lessons learned is the fact that APSDP activities have had caused some very limited land/asset impacts such as impact to crop, and very limited acquisition for pole location, etc. the reports to date show, the installation of distribution networks under the parent project took place within the available right-of-way. The records on land acquisition also show, affected families requested no compensation, because the impacts on private land/asset were very minor.

Another key lesson learned was the installation of distribution networks which took much longer to implement than what was initially thought. Communities were unhappy and requested a number of times to start utilization of power into the system soon. The client agency had made little effort to maintain appropriate communication to keep the beneficiaries communities inform about the exact schedule and functionality of the distribution networks.

4.3 Land Acquisition

While no land acquisition is expected under the project, guidelines for land, asset acquisition, entitlements and compensation as provided in Attachment 2 will be followed, should the Project require the acquisition of any land or other assets.

4.4 Rehabilitation of Naghlu and Mahipur 110V Switchyard

The rehabilitation of the Mahipur Switchyards has already been completed under the parent project. The rehabilitation of the Naghlu Switchyards is not expected to have any impact on water flows. However, the Contractor implementing the works will be required to ensure that environmental impacts, if any, be adequately mitigated at both construction and operation stages. The Contractor’s obligations vis-à-vis environmental management will be included in the Contract.

4.5 Responsibilities for Safeguard Screening and Mitigation

The responsibility for implementation is to be transferred from the current implementing agency, the Ministry of Energy and Water (MEW) to Afghanistan's power utility Da Afghanistan Breshna Sherkat (DABS). DABS, as an independent and autonomous company, has much higher capacity than MEW in environmental and social safeguards management.

The Chief Operating Officer (COO) of DABS will have overall responsibility for ensuring effective compliance with the requirements set out in the ESMF. He will assign an Environmental and Social Safeguards Officer (ESSO) who will have specific responsibility for overseeing the implementation of the ESMF provisions during preparation, implementation, monitoring and evaluation of all components of the APSDP-AF. The Safeguards Officers (SOs) will be supported in their work by World Bank Social and Environmental Specialists. The safeguards framework will be included in all work contracts and its proper implementation will be the responsibility of the contractor(s) with oversight from DABS.

Responsibilities of Environmental and Social Safeguards will include:

- Ensuring that communities and local government departments have up-to-date information on project activities.
- Supervising and monitoring ESMP implementation and producing periodic reports.
- Facilitating land acquisition and resettlement processes as required.
- Coordinating implementation of DABS' environmental and social commitments and initiatives with relevant government agencies including the Afghanistan Land Authority and NEPA.
- Training local government and communities on environmental and social safeguards issues and implementation of ESMP.

4.6 Monitoring and Evaluation:

Implementation of the APSDP ESMF includes both at local level monitoring and reporting and at national level monitoring and evaluation.

Local level Monitoring and Reporting

At local level, DABS safeguards team, together with DABS local project management team, local government and local communities will be responsible for monitoring to ensure that all required environmental and social mitigation measures, set out in Environment and Social Management Plan (ESMP). Monthly monitoring reports will include:

- List of consultations held, including locations and dates, name of participants and occupations
- Main points arising from consultations including any agreements reached
- A record of grievance applications and/or grievances redress dealt with
- Monitoring data on environmental and safety parameters listed in ESMP.
- Monitoring land acquisition

National level Monitoring and Evaluation:

At national level DABS COO will take overall responsibility for overseeing progress in implementing the ESMF and assessing the effectiveness of mitigation measures against agreed indicators and parameters. The COO will review monthly reports with safeguards team who,

supported by World Bank specialists, will be responsible for developing reporting forms and preparing quarterly reports which will inform the Government, DABS Board and the World Bank on progress.

4.7 Capacity Building

DABS has much higher capacity in implementation of social and environmental safeguards than MEW. DABS has safeguards team who have benefitted from several training events organized by the Bank office in Kabul, including training in Management of Land Acquisition, Resettlement and Rehabilitation organized by BRAC University/World Bank. The current findings from NHRP show the NHRP's safeguards capacity to implement the ESMF properly for this AF activities is fully adequate.

During supervision of the project, the World Bank will assess the implementation of the Framework, and if required, will recommend additional strengthening.

4.8 Grievance Redress Mechanism

In order to ensure transparency and accountability in its investment projects a grievance redress mechanism (GRM) to address grievances related to project activities will be established by DABS as part of the ESMF implementation.

DABS Operation Division and ESS team will have an important role in ensuring that affected communities have a full understanding of the GRM, ways to access it and (i) the concept of just compensation for involuntary acquisition of land and/or assets and (ii) ensuring environmental and social mitigation measures in the ESMP is implemented as planned.

Where an individual has a grievance with regard to a specific investment project she or he, should, in the first instance, be encouraged to make use of existing local-level structures (e.g. CDCs/Shura and village leaders) to try to resolve quickly any concerns or grievances related to project development and implementation.

If intermediation at local level is unsuccessful, the individual or Affected Person (AP) can take his or her complaint to a formal Grievance Redress Committee (GRC) which will record the grievance and try and resolve issues relating specifically to the implementation of the investment projects. A GRC will consist of the Affected Person (AP), the project manager of the investment project, DABS Environment and Social Safeguards staff, a representative from local government, a representative from the AP's community CDC/Shura which may be a representative from a women's CDC and the contractor(s).

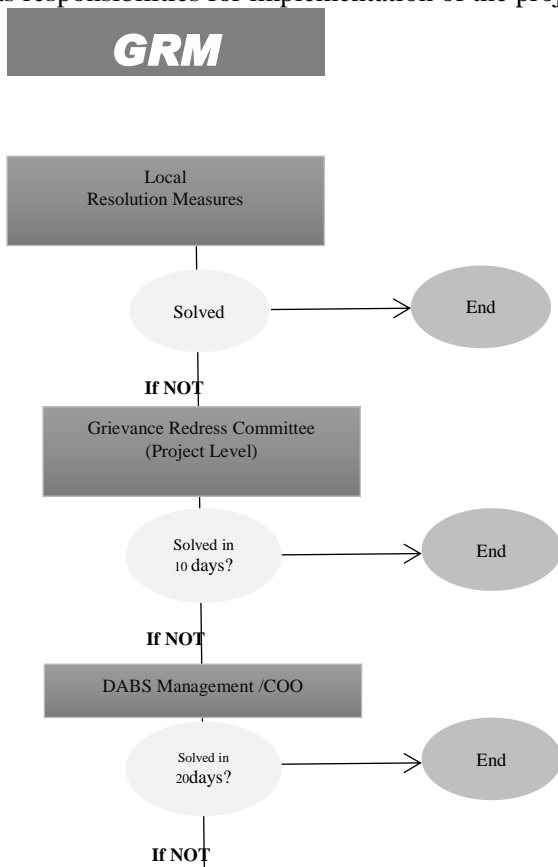
The AP (or his/her representative) may submit his/her complaint in a number of ways e.g. by written letter, phone, text messages and email to the GRC or, alternatively, raise his/her voice in a public or individual meeting with project staff. The GRC will meet to try and resolve the matter at community level and make a recommendation within 7-10 working days from receipt of complaint. If there is no decision after 10 days the AP can refer the complaint to the Chief Operating Officer (COO) of DABS in Kabul. DABS/COO will then address the complaint and respond to the complainant within 20 days.

The GRM procedures to be followed for all investment projects will be translated into Pashto and Dari so that they are easily accessible to all stakeholders and made available through DABS. Information on the steps to be followed in handling grievances will be incorporated into the process of providing local communities with information about proposed investment projects.

All submitted complaints and grievances will be added to a database/project files which will be updated regularly. Each complaint and grievance should be ranked, analyzed and monitored according to type, accessibility and degree of priority. The status of grievances submitted and grievance redress will be reported to DABS management through the monthly report.

ESS staff should include regular updates and analysis of the GRM in their quarterly reports and also provides regular feedback to communities and other relevant stakeholders.

Consultation on ESMF- The responsibility for implementation is to be transferred from the current implementing agency, the Ministry of Energy and Water (MEW) to Afghanistan’s power utility Da Afghanistan Breshna Sherkat (DABS). DABS has updated this ESMF for AF and is committed to arrange consultation with all stakeholder agencies, including communities as soon as responsibilities for implementation of the project transferred from MEW to DABS.



If still unresolved, APs may choose to exercise their right under Afghanistan law to refer the matter to a court of law.

4.9 Consultation and Public Disclosure

This Environmental and Social Safeguards Framework was developed on the basis of an overall Framework for World Bank-funded reconstruction operations which was prepared in consultation with the principal NGOs and development partners participating in reconstruction activities in Afghanistan.

Consultation guideline

An outline communications strategy and plan to increase the overall effectiveness of the project has been developed and is being implemented principally by DABS' environmental and social safeguards team. Consultations on this ESMF are essential and are the first activities to be implemented in the communications plans.

In order to ensure that affected communities are made aware of the planned project, have the opportunity to comment on it and reduce possible misinformation about proposed activities, it is vital that a communication strategy is put in place early in the project's preparation. Its key objectives are to:

- Provide relevant and up-to-date information to affected communities about the project through appropriate communication channels
- Facilitate a meaningful two way exchange of information with different groups of stakeholders throughout the lifetime of the project
- Build trust between project staff and communities and promoting collaboration among all stakeholders.
- Facilitate collaborative relationships with local and national government departments other development agencies

The strategy includes communication through relevant media: DABS's Safeguard staff will assess community and other stakeholders access to, and use of, broadcast and print media and explore how the most appropriate outlets might be used to raise awareness of the project.

- Preparation and translation into local languages of relevant and clear information on resettlement policy and procedures.
- Distribution of easily understood information to all affected communities
- Communication through locally relevant channels. DABSSOs will identify trusted ways in which different groups within communities, particularly poor and vulnerable groups, receive and communicate information (e.g. Village meetings, mosque, water users associations, women CDC, markets etc.) and will make use of these channels to convey and receive information, consult and hold dialogues with the different groups through the life of the project.
- Involvement of policy makers: DABS' Chief Operating Officer and Safeguards staff will make presentations to, and hold briefing sessions, with the Ministries on the Board of DABS, as well as other relevant Government Ministries, on a regular basis. They will be invited to participate in ongoing consultation processes to ensure transparency and accountability and gain public support.
- DABS participation in various regional fora. Where possible, Safeguards staff will participate in regional NGO meetings to inform local NGOs about the work and explore possible areas of synergy with the NHRP for community level work.

DABS will use techniques of consultation to establish a "simple baseline" and subsequent information that will be useful in monitoring compliance with the Environment and Social Management Framework. Some of the methods of consultation will include, but not limited to:

- Records of minutes and notes of DABS and contractor consultation and awareness activities with community, local authorities and amongst each other;
- Focus group and group focus discussions to collect views and opinions as client and beneficiaries for DABS and the Project;

- household consultations – discussions with the same household before, during and after Project implementation / construction, to establish level of compliance versus impact;
- Statistic household consultation – discussion with households ad-hoc;
- Investigate grievances reported to project level GRM and or to DABS and during community discussions; and
- As required, provide mediation between contractor and community in the event of disagreements about infrastructure locations around community and grievances by the community that is not adequately addressed by the contractor.

For projects such as this Project, the World Bank's Access to Information Policy requires that safeguard-related documents be disclosed before appraisal (i) at the InfoShop and (ii) in country, at publicly accessible locations and in a form and language that are accessible to potentially affected persons.

DABS will establish an easily accessible system with different options for public information/disclosure of information for communities and relevant stakeholders to be aware of processes to be followed to register complaints. DABS will apply this ESMF prior to approval of any development project funded or implemented by multi-lateral agencies such as the World Bank and others.

The executive summary of the ESMF and ESMP will be disclosed in Pashto, Dari and English languages by DABS, and will be made available on the organization's website.

5 ATTACHMENT 1 - NEGATIVE LIST OF SUB-PROJECT ATTRIBUTES FOR THE APSDP

Sub-projects with any of the attributes listed below will be ineligible for support under the proposed Power System Development Project (APSDP).

Attributes of Ineligible Sub-projects
<p>Involves the significant conversion or degradation of critical natural habitats. Including, but not limited to, any activity within:</p> <ul style="list-style-type: none">• Ab-i-Estada Waterfowl Sanctuary;• Ajar Valley (Proposed) Wildlife Reserve;• Dashte-Nawar Waterfowl Sanctuary;• Pamir-Buzurg (Proposed) Wildlife Sanctuary;• Bande Amir National Park; and• Kole Hashmat Khan (Proposed) Waterfowl Sanctuary.
<p>Will significantly damage non-replicable cultural property, including but not limited to, any activities that affect the following sites:</p> <ul style="list-style-type: none">• Monuments of Herat (including the Friday Mosque, ceramic tile workshop, Musallah complex, Fifth Minaret, Gawhar Shah mausoleum, mausoleum of Ali Sher Navaii, and the Shah Zadehah mausoleum complex);• Monuments of Bamiyan Valley (including Fuladi, Kakrak, Shar-I Ghulghular and Shahr-i Zuhak);• Archaeological site of Ai Khanum;• Site and monuments of Ghazni;• Minaret of Jam;• Mosque of Haji Piyada/Nu Gunbad, Balkh province;• Stupa and monastery of Guldarra;• Site and monuments of Lashkar-i Bazar, Bost; and• Archaeological site of Surkh Kotal.

6 ATTACHMENT 2 - GUIDELINES FOR LAND AND ASSET ACQUISITION, ENTITLEMENTS AND COMPENSATION

Objectives

Land acquisition will be kept to a minimum and no person will be involuntarily displaced under subprojects financed by the proposed emergency reconstruction operations. Subproject proposals that would require demolishing houses or acquiring land should be carefully reviewed to minimize or avoid their impacts through alternative alignments. Proposals that require more than minor expansion along rights of way should be reviewed carefully. No land or asset acquisition may take place outside of these guidelines. A format for Land Acquisition Assessment is attached as Attachment 2(i).

These guidelines provide principles and instructions to compensate affected persons to ensure that all such persons negatively affected, regardless of their land tenure status, will be assisted to improve, or at least to restore, their living standards, income earning or production capacity to pre-project levels.

Eligibility

PAPs are identified as persons whose livelihood, land, structures or other assets are directly or indirectly affected by the project. PAPs deemed eligible for compensation are:

- (1) Those who have formal legal rights to land, water resources or structures/buildings, including recognized customary and traditional rights;
- (2) Those who do not have such formal legal rights but have a claim to usufruct right rooted in customary law;
- (3) Those whose claim to land and water resources or building/structures do not fall within (1) and (2) above, are eligible to assistance to restore their livelihood.

6.1 Acquisition of Productive Assets

Land acquisition may take place through the following methods:

- a. *Voluntary contributions.* In accordance with traditional practices, individuals may elect to voluntarily contribute land or assets and/or relocate temporarily or permanently from their land without compensation.
- b. *Contributions against compensation.* A contributor/asset loser considered "affected" will be eligible for compensation from the local community or alternatively from the Government. A PAP shall lodge his/her claim for compensation to the local community representatives/shura head and it shall be verified by the implementing agency. The claim shall be lodged within 2 weeks of completion of the consultations with the concerned community, and before project implementation begins.
- c. *Sales transaction.* An asset owner will sell the asset on the basis of prevailing market prices.

The proceedings for voluntary contribution, or contribution against compensation, should be documented. The documentation should specify that the land is free of any squatters, encroachers

or other claims. A format is attached in Attachment 2(i), which includes a Schedule to be followed to assess any compensation claimed and the agreement reached.

Compensation Principles

The project implementing agencies shall ensure that any of the following means of compensation are provided in a timely manner to affected persons:

- (1) Project affected persons losing access to a portion of their land or other productive assets with the remaining assets being economically viable are entitled to compensation at replacement cost for that portion of land or assets lost to them. Compensation for the lost assets will be according to following principles:
 - Replacement land with an equally productive plot, cash or other equivalent productive assets;
 - Materials and assistance to fully replace solid structures that will be demolished;
 - Replacement of damaged or lost crops and trees, at market value;
 - Other acceptable in-kind compensation;
 - In case of cash compensation, the delivery of compensation should be made in public, i.e. at the Community Meeting.
- (2) Project affected persons losing access to a portion of their land or other economic assets rendering the remainder economically non-viable, will have the options of compensation for the entire asset by provision of alternative land, cash or equivalent productive asset, according to the principles in (1) a-d above.
- (3) Owners, who can still access their land or other productive assets below the transmission lines and power towers, will as an "easement" receive a one-time payment to compensate for the inconvenience amounting to 10% of the current value of the affected land area.

6.2 Consultation Process

The implementing agencies will ensure that all occupants of land and owners of assets located in a proposed subproject area are consulted. There will be gender-separate community meetings for each affected *mantaqa/gozar* (urban infrastructure) or village (other projects) to inform the local population about their rights to compensation and options available in accordance with these Guidelines. The Minutes of the community meetings shall reflect the discussions held, agreements reached, and include details of the agreement, based on the format provided in Attachment 2(ii).

The implementing agency shall provide a copy of the Minutes to affected persons and confirm in discussions with each of them their requests and preferences for compensation, agreements reached, and any eventual complaint. Copies will be recorded in the posted project documentation and be available for inspection during supervision.

Subproject Approval

In the event that a subproject involves acquisition against compensation, the implementing agency shall:

- a. Not approve the subproject unless a satisfactory compensation has been agreed between the affected person and the local community;

- b. Not allow works to start until the compensation has been delivered in a satisfactory manner to the affected persons; and
- c. If more than 200 persons are affected and require compensation, the subproject shall be deemed ineligible for support under the emergency reconstruction operations.

Complaints and Grievances

All complaints should first be negotiated to reach an agreement at the local community/village level. If this fails, complaints and grievances about these Guidelines, implementation of the agreements recorded in the Community Meeting Minutes or any alleged irregularity in carrying out the project can also be addressed by the affected persons or their representative at the municipal or district level. If this also fails, the complaint may be submitted to the relevant implementing agency for a decision.

Verification

The Community Meeting Minutes, including agreements of compensation and evidence of compensation having been made shall be provided to the Municipality/district, to the supervising engineers, who will maintain a record hereof, and to auditors and socio-economic monitors when they undertake reviews and post-project assessment. This process shall be specified in all relevant project documents, including details of the relevant authority for complaints at municipal/district or implementing agency level.

Attachment 2(i)

Land Acquisition Assessment Data Sheet

(To be used to record information on all land to be acquired)

1. Quantities of land/structures/other assets required:
2. Date to be acquired:
3. Sketch of project land plot, identifying:

Location and area of each individual piece of land/structure involved:	Category of land (private/communal/government etc.) and Owner(s)*	Current uses	Users	Multiple claimants/users Yes/No	Method of acquisition**
(a)					
(b)					
(c)					

* Provide documentary proof, where available.

** Donation/Acquisition against Compensation/Purchase. This should be determined following consultations with PAPs

In case of Multiple customary claimants/users, specify for each individual piece of land involved:

- Number of Customary claimants:
- Number of Squatters:
- Number of Encroacher:
- Number of Owners:
- Number of Tenants:
- Others (specify): Number:

4. Transfer of title:

- Ensure these lands/structures/other assets free of claims or encumbrances.
- Written proof must be obtained (notarized or witnessed statements) of the voluntary donation, or acceptance of the prices paid, from those affected, together with proof of title being vested in the community, or guarantee of public access, by the title-holder.

5. Describe grievance mechanisms available:

Attachment 2(ii)

Format to Document Contribution of Assets

The following agreement has been made on..... day of.....
between.....resident of(the Owner)
and(the Recipient).

1. That the Owner holds the transferable right ofjerib of land/structure/asset in.....
2. That the Owner testifies that the land/structure is free of squatters or encroachers and not subject to other claims.
3. That the Owner hereby grants to the Recipient this asset for the construction and development offor the benefit of the villagers and the public at large.

(Either, in case of donation :)

4. That the Owner will not claim any compensation against the grant of this asset.

(Or, in case of compensation :)

4. That the Owner will receive compensation against the grant of this asset as per the attached Schedule.
5. That the Recipient agrees to accept this grant of asset for the purposes mentioned.
6. That the Recipient shall construct and develop the.....and take all possible precautions to avoid damage to adjacent land/structure/other assets.
7. That both the parties agree that the.....so constructed/developed shall be public premises.
8. That the provisions of this agreement will come into force from the date of signing of this deed.

Signature of the Owner:

Signature of the Recipient:

Witnesses:

1. _____

2. _____

(Signature, name and address)

(Attestation by District/Province Judge, Date)

**Schedule of
Compensation of Asset Requisition**

Summary of affected unit/item	Units to be Compensated	Agreed Compensation
a. Urban/agricultural land (jerib):	_____	_____
b. Houses/structures to be demolished (units/jerib):	_____	_____
c. Type of structure to be demolished (e.g. mud, brick, etc.)	_____	Not Applicable.
d. Trees or crops affected (units/jerib):	_____	
e. Water sources affected:	_____	_____

Signatures of PAP signifying his/her agreement:

Signatures of local community representatives, shura head:

Include record of any complaints raised by affected persons:

Map attached (showing affected areas and replacement areas):

(Attestation by District/Province Judge, Date)

Attachment 2(iii)

Assessment Data Sheet for Inconvenience Compensation

(To be used to record information on all land/assets affected)

1. Quantities of land/structures/other assets:
2. Locations:
3. Owners:
4. Current uses:
5. How land/structures/other assets will be affected:
6. The form of one time inconvenience compensation:
 - Ensure these lands/structures/other assets free of claims or encumbrances.
 - Written proof must be obtained (notarized or witnessed statements) of the declination of compensation, or acceptance of the inconvenience compensation paid, from the titleholder(s), together with proof of title being vested in the owner(s), and guarantee of public access, by the title-holder.
9. Describe grievance mechanisms available:

**Schedule of
Compensation of Asset Requisition**

Summary of affected unit/item	Units to be Compensated	Agreed Compensation
a. Urban/agricultural land (jerib):	_____	_____
b. Houses/structures to be demolished (units/jerib):	_____	_____
c. Type of structure to be demolished (e.g. mud, brick, etc.)	_____	Not Applicable.
d. Trees or crops affected:	_____	_____
e. Water sources affected:	_____	_____

Signature of PAP signifying his/her agreement:

Signatures of local community representatives, shura head:

Include record of any complaints raised by affected persons:

Map attached (showing affected areas and replacement areas):

(Attestation by District/Province Judge, Date)

**Schedule of
Inconvenience Compensation**

Summary of affected unit/item	Units to be Compensated	Agreed Compensation
a. Urban/agricultural land (jerib):	_____	_____
b. Houses/structures (units/jerib):	_____	_____
c. Type of structure (e.g. mud, brick, etc.)	_____	Not Applicable.
d. Trees or crops affected:	_____	_____
e. Water sources affected:	_____	_____

Signature of PAP signifying his/her agreement:

Signatures of local community representatives, shura head:

Include record of any complaints raised by affected persons:

Map attached (showing affected areas):

7 Attachment 3 - Protection of Cultural Property

Physical culture includes monuments, structures, works of art, or sites of "outstanding universal value" from the historical, aesthetic, scientific, ethnological, or anthropological point of view, including unrecorded graveyards and burial sites. Within this broader definition, cultural property is defined as sites and structures having archaeological, paleontological, historical, architectural, or religious significance, and natural sites with cultural values.

The proposed power utility project is unlikely to pose a risk of damaging cultural property, as the components involve rehabilitation and extension of distribution networks within the target areas (Charikar, Gulbahar & Jabel-E-Seraj and Pul-e-Khumri) and rehabilitation of transmission switchyard of Naghlu and Mahipur. Further, the negative list of attributes, which would make a sub-project ineligible for support (Attachment 1), includes any activity that would significantly damage non-replicable cultural property. Nevertheless, the following procedures for identification, protection from theft, and treatment of chance finds should be followed and included in standard bid documents.

Chance Find Procedures

Chance find procedures are defined in the law on Maintenance of Historical and Cultural Monuments (Official Gazette, December 21, 1980), specifying the authorities and responsibilities of cultural heritage agencies if sites or materials are discovered in the course of project implementation. This law establishes that all moveable and immovable historical and cultural artifacts are state property, and further:

1. The responsibility for preservation, maintenance and assessment of historical and cultural monuments rests with the Archaeological Committee under the Ministry of Information and Culture, which has representation at provincial level.
2. Whenever chance finds of cultural or historical artifacts (moveable and immovable) are made the Archaeological Committee should be informed. Should the continuation of work endanger the historical and cultural artifacts, the project work should be suspended until a solution is found for the preservation of these artifacts.
3. If a moveable or immovable historical or cultural artifact is found in the countryside of a province, the provincial governor (*wali*) or district-in-charge (*woluswal*) should be informed within two weeks, and they should inform the Archaeological Committee. In case the immovable historical or cultural artifact is found in a city, the provincial branch of the Department of Maintenance of Historical Values of the Ministry of Information and Culture should be informed within two weeks (art. 18). If the find is made within the center, the Archaeological Committee must be informed directly within one week (art. 25).
4. Failure to report a chance find within the stipulated time limit will be punished with a fine or imprisonment for a period of one week or up to one month (art. 72).
5. If someone intentionally damages a historical or cultural artifact, the culprit shall pay compensation in accordance with the value of the artifact plus be imprisoned for a period of one month to ten years depending on the gravity of the crime (art. 71).

In case of a chance find of moveable or immovable historical or cultural artifact, the implementing agency is responsible for securing the artifact from theft, pilferage and damage until the responsibility has been taken over by the relevant authorities as specified above.

These procedures must be referred to as standard provisions in construction contracts, when applicable. During project supervision, the Site Engineer shall monitor that the above regulations relating to the treatment of any chance find encountered are observed.

Relevant findings will be recorded in World Bank Project Supervision Reports (PSRs), and Implementation Completion Reports (ICRs) will assess the overall effectiveness of the project's cultural resources mitigation, management, and capacity building activities, as appropriate.

8 Attachment 4 - Environmental Code of Practice for the APSDP

1. Selection of Alignment of line and Sub-station locations

The *most significant environmental criterion* for selecting or avoiding an alignment for the power line and/or location of sub-stations is the presence of sensitive receptors close (within 50m on either side of the proposed line) to the proposed alignment or proposed location of the substation (within ~100m on all sides of the perimeter).

The negative list of locations as part of Attachment 1 to the Environmental and Social Safeguards Framework under General Characteristics provides a starting point of areas to be avoided. Other areas or locations that may be avoided include places of water bodies, especially those used for supply of drinking water, locally important religious/cultural sites, schools, play grounds, etc. For rehabilitation of the facilities, the previous locations of the structures should be utilized as far as possible. This will not only save costs but may also be environmentally more desirable since change in land-use would be minimized.

If such locations have been converted to other uses and it is not possible to change the current use, the facilities should be sited on government land as far as possible.

Route alignment selection can be carried out on historical maps or more recent satellite imagery as available supplemented with walk-throughs along the preferred alignment for such a stretch of the alignment where it is practically feasible. The walk-through/detailed reconnaissance visit must be completed before the construction phase begins to ensure that no sensitive environmental receptors are affected during the construction and operation stages of the project.

2. Construction of the facilities

a. Erection of Distribution Poles

Activity	Potential Impacts	Mitigation	Responsibility
Selection of location	Removal of trees	Compensate by planting 2 saplings for each tree felled at designated locations or within the RoW / land acquired for the project	DABS
	Removal of habitat of important fauna	Avoid such a location encountered.	DABS team
		Remove the fauna to another appropriate location, if rare or endangered species (as per Red Data Book of IUCN) is encountered.	DABS, Contractor,
		As far as possible, do not improve access to forested areas. Use existing tracks rather than build new roads.	
	Clearance (min. 6m -12m) from ground not maintained	Avoid such locations	DABS team
		Raise the height of facility by erecting concrete base	DABS tea,, Contractor
	Conduct Information Campaign cautioning people against danger of electrocution	DABS	

Activity	Potential Impacts	Mitigation	Responsibility
Construction of Foundation and Superstructure	Timing of Construction	Avoid construction inside fields during the cropping season	DABS, Contractor
	Disturbance to transportation of construction material to site	Avoid densely populated areas, rush hours and night	DABS, Contractor
		Dust generation	Provide temporary barricading if the location is close to homes or some sensitive receptors
	Noise generation	Provide water spraying facilities, if necessary, to limit emissions	Contractor
		Provide workers with ear plugs/muffs	Contractor
	Damage to chance found archaeological properties	Restrict working hours – especially close to sensitive areas like residential neighborhoods, school campuses and mosques	DABS, Contractor
		Inform the Archaeological Department. Stop work on the site until advice / instruction / assistance for further action is provided by Officials of the Archaeological Department	DABS, Contractor
	Pollution of water bodies	As far as possible, construction close to waterbodies should be carried out in dry season	DABS, Contractor
		If construction is being carried out close to a waterbody, provide a cut-off ditch on site perimeter to prevent contamination of water by direct entry of run-off.	Contractor
		Cover construction material like cement, metal, oil, etc. stored on-site	Contractor
		Provide temporary sedimentation trap at the outfall of the ditch, if erosion is likely.	Contractor
	Safety of Workers	Provision of ear-plugs, goggles and personal protective equipment	Contractor
		Limiting construction hours	
		Timing construction to avoid heavy traffic	
	Erosion on slopes	Provide retaining walls	DABS / Designer, Contractor
Provide bioengineering measures		DABS / Designer, Contractor	
Damage to existing flora	As far as possible, instead of cutting the trees at the base, try to trim the hindering branches	Contractor	
Handling and Disposal of	As potential carcinogens,	Provide PPE including gloves to persons handling transformers	Contractor

Activity	Potential Impacts	Mitigation	Responsibility
Waste Poly-chlorinated Biphenyls from existing transformers	PCBs constitute a special health hazard for all handlers	Prevent release of PCBs on to the ground, or into water by providing drip trays wherever transformers are being repaired.	Contractor
		Prepare Spill Containment and Management Plan and identify locations for disposal of this hazardous material.	DABS / Designer, Contractor
		Prepare and rehearse emergency procedures in case of an accidental release	Contractor
Disposal of waste material after construction	Contamination of nearby lands, groundwater or nuisance	Identify suitable locations for the disposal of waste material, including excavated soil, from the construction site	DABS, Contractor
Installation and charging of cables and wires	Damage to vegetation / Crops	Avoid cropping seasons and flowering seasons	DABS
Maintenance and Repairs	Disturbance to nearby residents	Schedule the maintenance and repairs to avoid odd hours like night, rush hours, prayer times	DABS
		Disturbance to crops and vegetation	Schedule regular maintenance activities to avoid pre-harvest / flowering seasons
			Where unavoidable, use equipment and techniques which minimize the foot-print (land requirement)

b. Construction of Electric Sub-stations

Activity	Potential Impacts	Mitigation	Responsibility
Selection of location	Removal of trees	Compensate by planting 2 saplings for each tree felled at designated locations or within the RoW / land acquired for the project	DABS Contractor
		Avoid such a location encountered.	DABS / Designer
		Remove the fauna to another appropriate location, if rare or endangered species (as per Red Data Book of IUCN) is encountered.	DABS, Contractor,
Construction of Sub-station and Residential Colony for staff	Timing of Construction	Avoid construction inside fields during the cropping season	DABS, Contractor
	Disturbance to transportation of construction material to site	Avoid densely populated areas, fields in which crops are going as well as rush hours and night	DABS, Contractor

Activity	Potential Impacts	Mitigation	Responsibility
	Pollution from the Contractor's camp site	Locate Labor and equipment camp at least 500m from current permanent habitations	Contractor
		Provide adequate hygiene and sanitation facilities for the labor	Contractor
		Provide pollution control devices on plants and equipment used for construction	Contractor
	Dust generation	Provide temporary barricading if the location is close to homes or some sensitive receptors	Contractor
		Provide water spraying facilities, if necessary, to limit emissions	Contractor
	Noise generation	Provide workers with ear plugs/muffs	Contractor
		Restrict working hours – especially close to sensitive areas like residential neighborhoods, school campuses and mosques	DABS, Contractor
	Damage to chance found archaeological properties	Inform the Archaeological Department. Stop work on the site until advice / instruction / assistance for further action is provided by Officials of the Archaeological Department	DABS, Contractor
	Pollution of water bodies	As far as possible, construction close to waterbodies should be carried out in dry season	DABS, Contractor
		If construction is being carried out close to a waterbody, provide a cut-off ditch or oil and grease trap on site perimeter to prevent contamination of water by direct entry of run-off.	Contractor
		Cover construction material like cement, metal, oil, etc. stored on-site	Contractor
		Provide temporary sedimentation trap at the outfall of the ditch, if erosion is likely.	Contractor
	Safety of Workers	Provision of ear-plugs, goggles and personal protective equipment	Contractor
		Limiting construction hours	
		Timing construction to avoid heavy traffic	
Erosion on slopes	Provide retaining walls	DABS / Designer, Contractor	
	Provide bioengineering measures	DABS / Designer, Contractor	
Handling and Disposal of	As potential carcinogens,	Provide PPE including gloves to persons handling transformers	Contractor

Activity	Potential Impacts	Mitigation	Responsibility
Waste Poly-chlorinated Biphenyls from existing transformers	PCBs constitute a special health hazard for all handlers	Prevent release of PCBs on to the ground, or into water by providing drip trays wherever transformers are being repaired.	Contractor
		Prepare Spill Containment and Management Plan and identify locations for disposal of this hazardous material.	DABS / Designer, Contractor
		Prepare and rehearse emergency procedures in case of an accidental release	Contractor
Disposal of waste material after construction	Contamination of near by land, surface or groundwater, even nuisance	Identify suitable locations for the disposal of waste material, including excavated soil, from the construction site	DABS, Contractor
Operation of the sub-station and facilities in colony	Contamination of nearby land, surface or groundwater, even nuisance	Provide and operate waste treatment facilities for the colony	DABS
		Prepare and rehearse emergency procedures in case of an accidental release or fire	DABS

9 Attachment 5 - Procedures for Mine Risk Management

Background

Procedures for Mine Risk Management in World Bank-Funded Projects have been designed to respond to the risks caused by the presence of mines in Afghanistan, in the context of:

- **Community rehabilitation / construction works** to be identified and implemented by the communities themselves (for small projects of up to \$100,000 each);
- **Small and medium-size works** to be identified by local authorities and implemented by local contractors (for projects up to \$5m each);
- **Works to be implemented directly by Government departments/agencies**, without use of contractors;
- **Large works** to be implemented by contractors (for projects above \$5m);

For the power project, the relevant procedure is the one applicable to large works using contractors, which is detailed below.

General comment applying to all following procedures: All risk assessment and clearance tasks shall be implemented in coordination with the Mine Action Center for Afghanistan (MACA). These procedures may need to be amended in the future depending on evolving circumstances.

9.1 Procedure for Large Works Using Contractors

Applicability: This procedure applies to large works to be implemented by large contractors (projects above \$5m).

Overall approach: The main contractor should be responsible for dealing with mine-related risks, in coordination with the UN Mine Action Center.

Procedure:

1. As part of the preparation of the bidding documents, a general survey should be carried out by MACA (or a mine action organization accredited by MACA) on all the areas where contractors may have to work (broadly defined). This survey should provide detailed information on mine-related risks in the various areas allowing for an un-ambiguous identification of areas that have a nil-to-low risk of mine/UXO contamination and areas where the risk is either higher or unknown. The survey should be financed out of the preparation costs of the bidding documents.
2. All survey information should be communicated to the bidders (with sufficient legal caveats so that it does not entail any liability), as information for the planning of their activities (e.g., location of campsites, access roads to quarries).
3. Depending on the nature and location of the project and on the available risk assessment, two different options can be used.

Option 1 – Mine-clearance activities are part of the general contract

- a. Based on the general survey results, a specific budget provision for mine action during construction is set aside as a separate provisional sum in the tender documents for the general contract.

b. As a separately identified item in their bid, the bidders include a provision for a further detailed mine assessment and clearance during construction.

c. On the instruction of the Supervision Engineer and drawing on the specific provisional sum for mine action in the contract, the contractor uses one of several nominated sub-contractors (or a mine action organization accredited by MACA) to be rapidly available on call, to carry out assessment prior to initiation of physical works in potentially contaminated areas, and to conduct clearance tasks as he finds may be needed. The Contractor may also hire an international specialist to assist him in preparing and supervising these tasks. The Contractor is free to choose which of the accredited sub-contractors to use, and he is fully responsible for the quality of the works and is solely liable in case of accident after an area has been demined.

d. To avoid an “over-use” of the budget provision, the Contractor is required to inform the Supervision Engineer in writing (with a clear justification of the works to be carried out) well in advance of mobilizing the mine-clearing team. The Supervision Engineer has the capacity to object to such works.

Option 2 – Mine-clearance activities are carried out under a separate contract

a. Specific, separately-awarded contracts are issued for further surveying and/or clearing of areas with a not-nil-to-low risk (under the supervision of the Engineer) by specialized contractors (or a mine action organization accredited by MACA). The definition of the areas to be further surveyed / cleared should be limited to those areas where any contractor would have to work, and should not include areas such as camp sites and quarries/material sites which are to be identified by the Contractor during and after bidding of the works. As a result of these further surveys and possibly clearance works, mine-related risk in the entire contract area is downgraded to nil-to-low.

b. The contract with the general Contractor specifies the extent of the portion of the construction site of which the Contractor is to be given possession from time to time, clearly indicating restrictions of access to areas where the mine risk is not nil-to-low. It also indicates the target dates at which these areas will be accessible. Following receipt of the notice to commence works from the Engineer, the Contractor can start work in all other areas.

c. The general Contractor is invited to include in its bid an amount for mine-security, to cover any additional survey / clearance he may feel necessary to undertake the works.

4. In case of an accident, a Board of Inquiry is assembled by MACA to investigate on the causes of the accident and determine liabilities. Large penalties should be applied on the Contractor if the Board determines that the accident resulted from a breach of safety rules.

5. All parties involved in this process are required to closely coordinate with MACA and to provide the Government, local communities, MACA, as well as any interested party the full available information on mine-related risks that may reasonably be required (e.g., maps of identified minefields, assessments for specific areas).